



# Best Available Copy

U.S. Patent Application Serial No. 10/618,166  
MJM Docket No. 2295-4

## DECLARATION OF JERRY E. BROWER

1. I, Jerry E. Brower declare that I am the President of Wall Repair Systems Inc. ("WRS") and that I am the assignee/owner of U.S. Patent 6,607,621 and its continuations and divisionals, including the present U.S. Patent Application Serial No. 10/618,166. I am personally familiar with the invention shown, described, and claimed in the '166 Patent application.
2. I have been personally involved with the drywall repair and painting industry for over 25 years. I have been a paint contractor as well as a general contractor since 1992. I am personally familiar with the drywall installation and repair industry, and have followed the problems, developments, and improvements in that market with great interest throughout my career.
3. Before Applicant's invention, a long-felt and unsolved problem for the homeowner, landlord, renter, contractor, and maintenance person, was that whenever there was damage to their building's drywall or plaster, there was no quick, easy, or clean way to repair the damage. This was true whether the damage was in the form of a hole, a crack, or outside corner damage.
4. Traditionally, a person would have to repair a hole in the drywall by cutting a piece of wood, putting it through the hole, and attaching it to the wall frame, such as by screwing

it from the front. This would provide backing for the new drywall. The person would then need to cut a piece of drywall the same size as the hole and attach it to the backing. Next they would take a piece of either fiberglass joint tape or paper fibered joint tape and install it to the wall to bridge the gap between the new drywall and the old. Once that had been done, the person would then need to put joint compound over the tape, let it dry overnight, then put on another coat of joint compound, let it dry, sand it, and then put on a joint topping. They would still need to let that dry, sand it smooth, and then paint it. If the wall was textured, the person would also need to texture the repaired surface to match the texture of the surrounding wall before painting.

5. Although the prior art provided a partial solution to this problem, the various prior art approaches never gained widespread acceptance due to their numerous drawbacks. For example, each of the prior art solutions suffered from one or more of the following significant disadvantages:
  - A. Prior art methods of repairing holes or cracks in walls required the need for topping the patch with some sort of compound.
  - B. Prior art methods for repairing holes or cracks in walls required sanding the surface after applying the topping compound.
  - C. Prior art methods for repairing holes or cracks in walls required additional steps to match the repaired area with the surrounding wall surface after the repair had been made.
  - D. Prior art methods for repairing holes or cracks in textured walls required texturing the patch after application to match textured wall surfaces.

- E. Prior art methods for repairing holes or cracks in walls used various types of wall patches having straight, even, or uniformly serrated edges, which generally provide a visible repair area that does not blend ideally with surrounding wall surfaces.
- 6. Because of these and other deficiencies, the prior art solutions are inherently inefficient, and have therefore failed to provide a satisfactory solution to the problems of the industry. Examples of various failed attempts of others at solving the industry problems are shown in Exhibit A.
- 7. In 1999 WRS (operating under the name "Step Saver Products") began selling the Fast Patch, which was the first commercial embodiment of the invention disclosed in the '166 application. The packaging for this embodiment is shown in Exhibit B along with promotional material stating the advantages of the Fast Patch.
- 8. Since almost immediately after the introduction of the Fast Patch, the invention has enjoyed tremendous popularity among consumers. WRS now offers 18 different products embodying the principles of the invention disclosed in the '166 application. Some of these additional products are shown in Exhibit C.
- 9. The Fast Patch was the first wall patch of its kind on the market and represented a major and significant innovation and improvement over the other available wall patches for numerous reasons.

10. In particular, none of the prior art patches teach an edge having an uneven serration, nor am I aware of any products in the market place prior to ours that have had non-uniformly serrated edges. This edging is a significant advantage over the prior art, and over all other products on the market prior to the Fast Patch. It permits the wall patch to blend in much more effectively with the surrounding wall surface.
11. Although various prior art references teach the specific intent of patching a hole so that a compound can be applied directly over the patch, this only eliminates the need to use backing as well as a piece of drywall, prior to putting on the compound. The end user would still be required to sand the compound, and texture over the patch to match the surrounding surface (if needed).
12. Unlike prior art wall patches, our wall patches permit paint to be applied directly over them. Accordingly the end user can paint over the wall patch without the need to first cover it with any type of compound. In addition to eliminating the need to apply a compound, this also ensures that the end user does not have to sand, therefore eliminating the need to clean up any dust.
13. The present invention, as embodied in the Fast Patch, provides a significant improvement for other reasons as well, including, for example:

- A. The Fast Patch allows the user to repair holes and cracks in walls by simply peeling the patch off of the backing paper, sticking it over the damaged area, and then painting it in a simple three-step process (Peel, Stick, Paint);
- B. The Fast Patch is provided in both a smooth and a textured finish, thus giving the end user a wall patch that will be an exact match for their walls, whether smooth or textured;
- C. Using the Fast Patch, the end user saves valuable time and effort, which are no longer consumed by patching the hole, applying a compound, sanding, texturing (if needed), and then painting;
- D. The Fast Patch is manufactured on a durable product that will maintain its size and shape over time; and
- E. The Fast Patch comes with a permanent adhesive on one side.

14. The claimed invention eliminates the need for backing, drywall, and a compound, as well as texturing (in situations where texturing is needed). In addition, the claimed invention provides uneven edges that provide improved blending over any known prior art. No prior art wall patches provide the novel combination of elements present in the claims of the present invention.

15. As a person experienced in the art, I do not believe that at the time of the invention it would have been within the level of ordinary skill in the art to make a wall patch with the combination of elements contained in the claims of the present application.

16. The present invention provides a non-obvious, new and innovative solution to the problems faced by the industry through its novel combination of features. The importance of this innovation is evident by the tremendous success it has enjoyed relative to other attempts.
17. WRS wall patches incorporating the features of the present invention have enjoyed tremendous commercial success since its introduction in 1999 because of the advantages they offer over conventional wall patches, such as the fiberglass or aluminum patch.
18. WRS has sold an average of 94,567 wall patches per month over the past several years. That is well over 1,000,000 patches per year, and well over 5,000,000 total patches since its introduction. If you factor in copycat wall patch sales sold by others, the total would be much higher, likely over ten million.
19. WRS wall patches received the "Best New Item" award from Do It Best hardware. This award is selected by the members, and is given to the company that introduces the best new item of the year. This award, attached as Exhibit E, is further evidence of the tremendous innovation represented by the present invention.
20. Since the introduction of the Fast Patch, wall patches having the advantages provided by the combination of features of the present invention have become increasingly more popular, while those without such combination of features have become increasingly less popular.

21. Many people that have wall repair needs now look exclusively for the peel, stick & paint style of wall patch of this invention, and will not purchase wall patches that do not offer the same features, benefits, and ease of use.
22. Also since the introduction of the Fast Patch, others have attempted to sell self-adhesive wall patches made of either fiberglass, aluminum, or a combination of both, but because of the problems identified previously, these have not gained the widespread popularity that Applicant's inventive patches have.
23. The importance of this innovation is further exemplified by later efforts of others to license this technology, to copy the invention, or to otherwise adopt its beneficial features to solve the above-described problems, despite not having previously had a similar product on the market.
24. Since WRS began selling its wall patches, several companies have approached WRS to negotiate license agreements that would allow them to market and sell our wall patch products under a private label. The first company to discuss such licensing opportunities was Homax Products, Inc. ("Homax") in 2000. Rather than take a license in 2000, Homax attempted to develop a competing product on its own. After it's initial attempts to develop a competing product were unsuccessful, Homax again approached WRS for licensing in 2002. Another company to engage in licensing negotiations was Eclectic in

2002. Other companies that have engaged in licensing negotiations with WRS regarding this invention include Frost King in 2005 and Warner Tool in 2006.

25. Also after WRS began selling its wall patches, other companies have directly copied WRS's wall patch invention. Homax, in particular, first tried to produce a similar product but could not figure out how to. It was not until after Homax saw the present invention and conspired with the original inventor of the wall patch (Randy Swanson) that they begun advertising and selling nearly exact copies of WRS's wall patches. Exhibit D shows Homax's direct copy of the present invention.
26. Without the teachings of the present application, I do not believe those of ordinary skill in the art would have been motivated to provide the combination of features that are provided by the Applicant's invention.
27. For these and other reasons and based on my knowledge and experience in the art, I believe the invention disclosed and claimed in the present application represents a new, novel, and non-obvious solution to the problems of the prior art.

Under the penalty of perjury, I declare the foregoing to be true and correct to the best of my knowledge and understanding.

Jerry E. Brower  
Jerry E. Brower  
President  
Wall Repair Systems Inc.

U.S. Patent Application Serial No. 10/618,166  
MJM Docket No. 2295-4

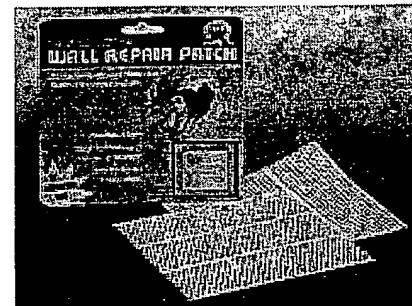
**EXHIBIT A**  
**to**  
**DECLARATION OF**  
**JERRY E. BROWER**

# WALL TOOL & TAPE CORP.

## WALL REPAIR PATCH

Self Adhesive "Paper" Wall Patch

Permanently repairs holes and surface damage on walls. WALL REPAIR PATCH is perforated drywall tape manufactured with a pressure sensitive adhesive backing - the same material used for our EASY JOINT TAPE.



### WALL REPAIR PATCH

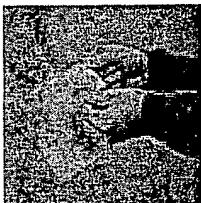
- Self Adhesive, Easy Application
- Good for Holes up to 4" in Diameter
- Trims Easily for Smaller Holes
- For Best Results Use with Fast Setting Compounds

#### AVAILABLE IN:

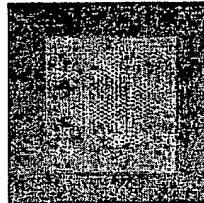
2 PACK EACH PATCH: 6" X 6"

10 PACK EACH PATCH: 6" X 6"

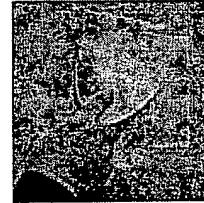
### HOW TO USE WALL REPAIR PATCH



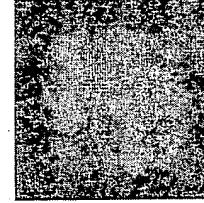
1. Remove backing from Wall Repair Patch.



2. Remove rough or loose edges from hole. Place Wall Repair Patch over hole. Press firmly.



3. Apply joint compound over entire patch, feathering edges.



4. Allow to dry completely. Sand lightly before applying additional coats of joint compound as needed.

For best results use fast setting compounds.



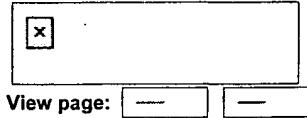
PRODUCTS

MAIN MENU

HISTORY

PROGRAMS CONTACT US

EXH A  
PAGE 1 OF 8



View page:



## DIY Workshop

### Residential Product Information Centre

#### CGC All-In-One Drywall Repair Kit

The SHEETROCK Drywall Repair Kit provides all the materials needed to complete all types of drywall and plaster repair.

The kit includes a 1-lb. bag of CGC SHEETROCK 90 Setting Type Compound, a 1.5m roll of CGC Fiberglass Drywall Tape, Glit® sanding pad, combination spreader & cutting tool, four drywall repair clips, eight drywall screws, mixing tray and stick, a 12mm x 127mm x 200mm (1/2x5"x8") SHEETROCK® Gypsum Panel, and a drywall repair instruction sheet.

SHEETROCK 90 is mixed with water and provides fast mixing, smooth application and easy sanding. It also sets quickly (within 60 to 90 minutes), allowing for one-day patching and next-day decorating.

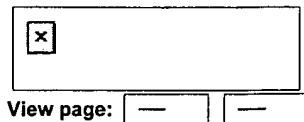
The kit facilitates repairs of everything from small cracks and dents to large holes (over 2") and water-damaged areas.



#### Residential Product Information Center

[\[Home\]](#) [\[DIY Contents\]](#)  
[\[Residential Product Information Center\]](#)

EXH A  
PAGE 2 OF 8



GO Network  
express  
search

## User Tip #4

Michigan State University Extension  
Home Maintenance and Repair - 01500576  
12/04/98

### **WALL REPAIR AND FASTENERS Plaster or dry wall is commonly used for walls. Other decorative materials such as plywood paneling, paper, or**

---

just paint are used to help the appearance of the wall.

Unfortunately, common fasteners do not perform too well when used on plaster and result in holes or cracks which are unattractive. Settling or shrinking of walls also cause cracks. For more information see Extension bulletin E-816.

#### **Patching A Wall**

**Popping Nails** - The heads of nails used to fasten plaster board to studs often pop out. This is caused by moisture changes in the studs which squeeze the nail out.

To remedy popped nail heads, first drive additional nails about 2" above and below the popped nail head. Drive the nails, including the popped nail, until a dimple shows around the head. Be sure you hold the plasterboard tight to the stud.

Dust off all loose paint and plaster and fill the dimple with patching plaster using a wide putty knife. Let dry and if patch shrinks re-apply patching plaster.

When patch is completely dry, sand with fine sandpaper and paint.

**Small Cracks** - Small, narrow cracks can be filled with patching plaster.

First remove loose plaster and with an icepick or knife, clean the crack so it is wider at the bottom than on the surface. This allows the new plaster to stick better. With a brush or damp cloth remove loose plaster dust. If water mixed plaster is used dampen the crack.

Fill the crack with patching plaster using a criss-cross motion to work it in. With the wide putty knife feather the edges of the patch, about 2" on each side of the crack, so

EXH A  
PAGE 3 OF 8

it will be less visible. When dry sand lightly and paint.

**Large Cracks** - When the crack is large the wet plaster will not stick. If this is the situation buy a roll of patching tape at a paint store. Clean off all loose plaster. Fill the crack with plaster and press the perforated tape into the wet plaster with a wide putty knife. Squeeze out any excess plaster so there will not be a lump in the wall. Let it dry, sand lightly and paint. A coat of sizing will make the paint stick better and look better.

**Holes Through Wall** - If there is a large hole through the wall patching plaster will not stick. Two methods can be used:

(1) The first method

Mark a rectangle on the wall which includes the hole. With a knife or key hole saw cut out the rectangle being careful not to break it. On a scrape piece of plaster-board copy the section of wall. Then mark a frame about 2" wide around the section of wall. This is the size of patch to cut.

After cutting remove the paper on one side and the plaster from the frame around the patch. The 2" frame of paper will stick out like an ear all around which will hold the patch in place. Spread patching plaster around the edge of the hole and around the edge of the patch. Put the patch in the hole and press the paper ears into the plaster and hold it while it sets. Sand lightly and paint.

(2) The second method.

Cut a piece of metal plaster lath or heavy screen larger than the hole. Fasten one or two wire ties to the lath and insert through the hole. Pull the lath up behind the hole and wire to a stick of wood placed across the hole on the front side of the wall. Moisten the edge of the hole and spread a base coat of patching plaster to within 1/8" of the finished surface. Roughen the surface with a stick or nail so the finish coat will stick. After the base layer is dry remove the stick and clip the wires close to the surface.

Trowel on the finish layer being sure it is flush with the wall surface. Let it dry good and then paint. If the patched area is large apply a coat of sizing before painting.

### Fastening to Plaster Walls

**Lightweight Object or Pictures** - Very lightweight objects can be supported with a piece of tape. The wall must be smooth, clean and dry. The glue is affected by humidity and may let loose so do not hang anything that will break with this kind of fastener.

EXH A  
PAGE 4 OF 8

Objects with a wide variety of weight can be supported by a metal hook on a long tapered nail driven at an angle into the plaster. These come in packages of three or four and in different sizes depending on the weight to be supported.

Medium Weight Objects- Some kind of insert, plastic, fiber, wood, or lead can be used with a sheet metal screw. Drill a hole just

large enough to be able to tap the insert into the hole. Tap the insert into the hole until it is flush with the surface.

Turn a sheet metal or wood screw into the insert. Usually these inserts come packaged with the right size screw for the particular insert. It will also tell you what size hole to drill.

Heavy Objects - Heavier objects can be supported with a molly bolt or toggle bolt.

Drill a hole through the wall to fit the size of molly bolt -- be sure not to get the hole too big or you may have difficulty turning the bolt without having the connector turn. If the only drill is too small, use a small screwdriver, knife, or other object to ream out the hole until the fastener will slide in snugly. Push it in and turn the bolt clockwise until it feels tight. Now the fastener has expanded and should stay tight. Remove the bolt and attach the object screwing the bolt in tight. Do not over tighten or you may pull the fastener loose. Remember plaster is soft.

A toggle bolt can be used similar to a molly bolt but with less care taken when installing. Select a bolt long enough to include the object plus the wall plus the length of the toggles when folded up.

Drill a hole through the wall. If you do not have a drill: Drive a nail through the wall. Wiggle it until it comes loose and you can pull it out. Put a small screwdriver, knife, or piece of metal into the hole and carefully enlarge until the toggle will slide through. Assemble the object on the bolt and push the toggle into the hole until you can feel it spring open. (Now you cannot remove the bolt without losing the toggle in the wall). Tighten by turning clockwise.

A toggle bolt should be used where the object will be drawn up tight to the wall because the hole must be large enough to receive the toggle. The object should be large enough to cover the large hole that is necessary.

EXH A  
PAGE 5 OF 8

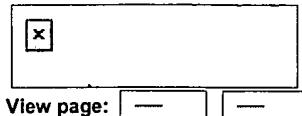
[Go To Top of File](#)[Michigan State University Extension Home Page](#)[Main Page for this Data Base](#)

---

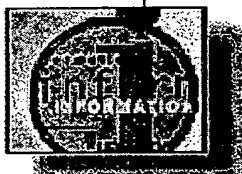
This information is for educational purposes only. References to commercial products or trade names does not imply endorsement by MSU Extension or bias against those not mentioned. This information becomes public property upon publication and may be printed verbatim with credit to MSU Extension. Reprinting cannot be used to endorse or advertise a commercial product or company. This file was generated from data base 02 on 01/13/00. Data base 02 was last revised on 12/04/98. For more information about this data base or its contents please contact [cook@msue.msu.edu](mailto:cook@msue.msu.edu). Please read our [disclaimer](#) for important information about using our site.

---

EXH A  
PAGE 6 OF 8



P R E S S R O O M



## news release

United States Gypsum Company

### SHEETROCK DRYWALL REPAIR KIT MAKES DRYWALL REPAIRS EASIER, FASTER

The SHEETROCK Drywall Repair Kit, from United States Gypsum Company, provides all materials needed (except the drywall required for large repairs) to complete virtually any type of drywall and plaster repair project.

The kit includes a 1-lb. bag of EASY SAND 90 Setting Type Joint Compound, a 5-ft. roll of SHEETROCK Fiberglass Drywall Tape, 120-grit sandpaper, plastic spreader, four drywall repair clips, eight drywall screws and a drywall repair instruction sheet.

The kit facilitates repairs of everything from small cracks and dents to large holes (over 2-in.) and water damaged areas. Additionally, when using the drywall repair clips with fire-rated gypsum wallboard, the kit meets the requirements of ASTM E119 for repairing one-hour fire-rated gypsum wallboard assemblies, as required by the Uniform Building Code.

EASY SAND 90 compound is mixed with water on the jobsite. It provides fast mixing, smooth application and easy sanding. It also sets quickly (within 85 to 135 minutes), allowing for one-day patching and next-day decorating.

The Drywall Repair Kit comes in an easy-to-carry, easy-to-store plastic container that can also be used for mixing joint compound.

For more information on the SHEETROCK Drywall Repair Kit, contact United States Gypsum Company, P.O. Box 806278, Chicago, IL 60680-4124 or call 1-800-USG-4YOU.

For media inquiries, contact John Mandel (312)606-4523

---

[\[Home\]](#) [\[Press Room\]](#) [\[U.S. Gypsum Company News Releases\]](#)

EXH A

[Trademarks]

EXH A  
PAGE 8 OF 8

U.S. Patent Application Serial No. 10/618,166  
MJM Docket No. 2295-4

**EXHIBIT B**  
**to**  
**DECLARATION OF**  
**JERRY E. BROWER**



TM

# **One-Step Sheet Rock Repair Just Peel & Stick!**

## **Textured Mini-Patches to Cover**

- nail holes
- old wall anchors
- small repair areas

*No tools or skill needed*

*Ten-second repair time*

*Ready to paint • No mudding or sanding*

**User Friendly**

*includes*

**12 pieces**

**42 pieces**

# **Fast, easy and permanent**

***FASTPATCH***

**is also available in :**

2" x 8" texture tape, and  
6" round for door knob damage,  
smooth, light, med, heavy



6 90672 00002 8

## **Instructions:**

Make sure that the patch area is clean, dry, and free from oils, dirt and dust. Remove any rough or uneven edges of material from damaged wall area.

- Remove adhesive backing from patch.
- Place center of patch over hole in wall, making sure to center patch over hole.
- Using your fingertips, press air out from edges of patch, being careful not to press on center of patch.

**You're ready to paint!**

***FASTPATCH***

Camas, Washington 360-817-9186

# **FASTPATCH INFO**

**Made out of super tuff  
puncture resistant  
plastic.**

**Hi-tac aggressive adhesive  
on backing.**

**Feathered edge to blend well  
with your existing texture.**

**Requires no mud or spray tex,  
no backing or sanding.**

**Leaves no mud build up, like  
the metal or mesh patches.**

**Do not use spackle  
or mud, no sanding**

**Two minute repair**

**paintable now**

**Ask for a sample, and try to  
break through, using your  
thumb, over 5000 people have  
tried, and not one person has  
done it.**

**Three different textured  
patches in each pack.**

**Fine, Medium, Heavy**

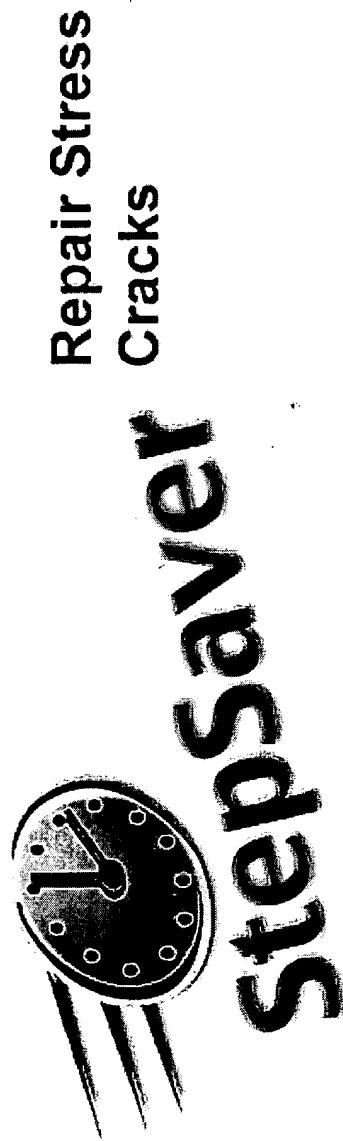
**Also available in Smooth**

**Using FASTPATCH**

**You could save over \$21.00  
Not buying mudd, spray tex,  
metal patch, sandpaper and  
tools.**

U.S. Patent Application Serial No. 10/618,166  
MJM Docket No. 2295-4

**EXHIBIT C**  
**to**  
**DECLARATION OF**  
**JERRY E. BROWER**



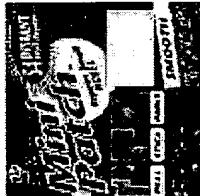
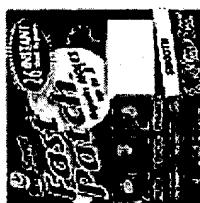
## Repair Stress Cracks

The Wall Repair Systems "StepSaver" product line has been winning over customers since 1998, with our revolutionary dry-wall repair products that are tailored to those who want a Fast, Simple, Strong, Permanent inexpensive alternative to the need of tools, fiber glass mesh, mud, sanding, as well as the mess and time consuming processes associated with even the smallest wall repair project. Our product was selected as a members choice award winner at the Do It Best Hardware October 2004 Market. Our Wall Patches have been used in the WHITE HOUSE, including the OVAL OFFICE, as well as other Federal buildings such as the PENTAGON. With Fast Patch, Mini Patch, and Tex Tape "It's just peel, stick and paint" We have appeared on network television, as well as QVC coming in 2005."

Forget the "old way" of doing your wall repairs. These usually involve fiberglass mesh, layers of slow drying mud, sanding, extensive clean up, and perhaps most importantly, lots of valuable time. Our products are simple, patented, durable, require no skills, and contain a permanent adhesive that will adhere to any surface. Our wall patches are textures)

Touch product for description, click on image to purchase at the Online Store.

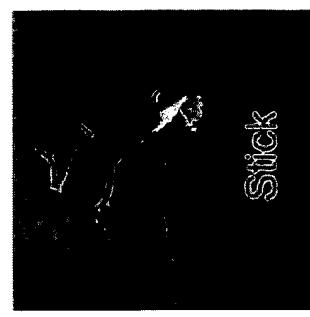
### Products



10% Discount on orders  
\$25-\$100.00

15% discount on orders  
over \$100.00

Note: shipping costs do  
not count toward  
discount totals



**It's as easy as 1, 2, 3**



### Frequently Asked Questions

#### All Patches

**Question: How strong is the product?**

**Answer:** Our patches are made of a product that we have patented that is very strong. If you put our 5 inch Fast Patch in your hand and tried to push your thumb through it, you would not be able to, "it is not possible".

**Question: How strong is the adhesive, will it last?**

**Answer:** The adhesive is permanent adhesive, it is very sticky, and permanent.

**Question: Will the patches work on plaster walls?**

**Answer:** Yes, the patches will work on any wall surface.

**Question: Can the patch be seen once painted?**

**Answer:** Barley, if the patch is painted with two coats using a roller it will only be noticed by the person who installed it, not others.

**Answer:** No, if the patch is painted with a roller with three coats of paint.

**Question: What if I want the smooth patch repair to be totally undetectable, can this be accomplished?**

**Answer:** Yes, you would simply need to put on one coat of paint, after the paint has dried, skim a thin coat of sheetrock mud over it. After the mud dries wipe with a damp sponge then paint. It will be perfect for those who want perfection.

**Question: How do the patches blend into the wall so well?**

**Answer:** Our patented patches are extremely thin and have uneven edges. The irregular edge helps the patches visually blend in to the wall.

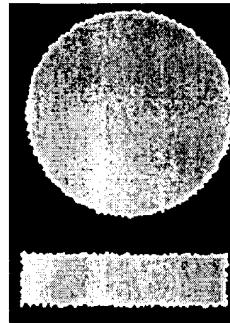
**Question: How would you describe the texture on the pre-textured patches?**

**Answer:** The texture on our textured patches is what we call an orange peel finish, essentially the texture of an orange peel.

**Question: Can I texture over the patches?**

**Answer:** Yes, if you texture over the patches they will never be seen.

Uneven Edges allow  
patches to blend in.  
Click on the image to  
enlarge.



**Question:** If I have a specific texture need, can you match it?  
**Answer:** Yes, if provided a sample, or adequate description. We can run at our next spraying day in production. (expect shipping delay).

**Question:** Are the patches manufactured in the United States?  
**Answer:** Yes, are products are manufactured entirely in the U.S., this includes all aspects from the packaging to all raw materials.

**Question:** How is the repair made?

**Answer:** Simply push in the damaged area so that nothing is protruding, peel off the patch, stick it on while pushing around the out side of the patch, be sure not to push directly on the damaged area, then paint.

**Question:** I have a hole in a table, can this product repair this?

**Answer:** Yes, though this product was designed for walls, it can be used for other repairs.

**Question:** Can the patches be cut to meet my specific needs?

**Answer:** Yes, though we offer a wide variety of patches to meet most needs. Plus the patches will blend better with uneven edges.

#### TEX TAPE (crack repair)

**Question:** Will the Tex Tape product repair stress cracks permanently?

**Answer:** Yes, unlike other forms of crack repair, Tex Tape will not allow the crack to reappear. Once covered the crack and not be seen again.

**Question:** Will the crack still be in the wall?

**Answer:** Yes, the crack will move behind the tape, yet will not disturb the tape.

**Question:** Can I repair long irregular cracks?

**Answer:** Yes, Tex Tape can be ran end to end. You can simply follow the crack with Tex Tape.

**Question:** How long of a crack can I repair with one pack of Tex Tape?

**Answer:** 6 feet per pack.

**Question:** What if I need several packs of Tex Tape to repair my crack needs, can I get a discount on a quantity buy?

**Answer:** Yes, call so that we can discuss your needs. (number at bottom).

#### FAST PATCH (door knob repair)

**Question:** Will the Fast Patch repair a door knob hole?

**Answer:** Yes, you first push in the damaged area then install our 'Center Reinforcement' patch followed by the Fast Patch.

**Question:** Will the Fast Patch span the gap of a door knob hole with out visually collapsing?

Answer: Yes, with the included center reinforcement, the fast patch will span the large hole with our a problem?

Question: How many repairs can I make with one pack of Fast Patch?  
Answer: 26 repairs per pack.

#### Ultimate Patch Kit

Question: What comes in the Ultimate Patch Kit?

Answer: The kit comes with a 4" roller frame, 4" roller cover, paint tray, 2" chip brush, three 5-1/2" fast patches, three center reinforcements, six 8"x1-1/2" tex tape, sixty three 1/2" mini patches, eighteen 1-1/2" mini patches. Plus a stay fresh bag. 90 total repairs.

#### Goof Patch

Question: How easy is it to repair the damage around my outlet, or switch?

Answer: Very easy, you simply need to remove the switch or outlet cover, peel off the patch, stick it on then paint it. After the paint dries replace the cover.

If you still have questions call or email me. If you have problems sending an email through our spam filter, please call. We are happy to answer all questions.

Jerry E. Brower  
President  
Wall Repair Systems Inc.  
360-695-3059 ext 24  
[jerry@stepsavers.com](mailto:jerry@stepsavers.com)



EXH C  
PAGE 5 OF 10



- Instant wall repair
- No tools or skill required
- No dry time
- Ready to paint

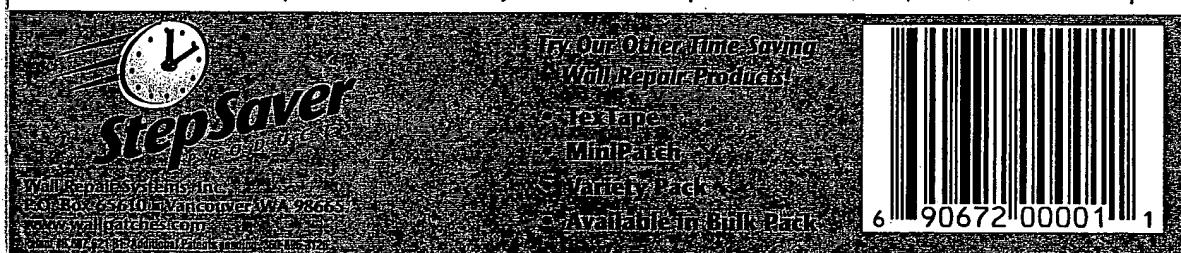
CONTAINS: 1-5/8" FastPatch,  
1 Center Reinforcement, 3-1/2" in dia.,  
21-1/2" in dia., & 1-5/8" TexTape

- La pared inmediata repair
- Ningunas herramientas ni la habilidad requerirán
- No seca tiempo
- Lo alista para pintar

CONTIENE: 1-5/8" FastPatches,  
1 Central del Refuerzo, 3-1/2" dia.,  
21-1/2" dia., y 1-5/8" Tiras de TexTape

- Réparation instantanée de mur
- Ancuns outils ou compétence exigée
- Temps sec nul
- Prêt à peindre

CONTIENT: 1-5 1/8" FastPatches,  
1 Reinforcement de Centre, 3-1/2" dia.,  
21-1/2" dia., et 1-5 1/8" Bandes de TexTape





EXH C  
PAGE 7 OF 10

# MiniPatch

## READY TO PAINT

- Pre-painted repair patch
- Paints over the repair without marks
- Two minute repair time
- No tools or skill required

- Instant wall repair
- No tools or skill required
- No dry time
- Ready to paint

CONTAINS: 54 Textured MiniPatches  
(12 - 1 1/2" dia., 42 - 1/2" dia.)

- La pared inmediata repair
- Ningunas herramientas ni la habilidad requeriricon
- No seca tiempo
- Lo alista para pintar

CONTIENE: 54 Textured MiniPatches  
(12 - 1 1/2" dia., 42 - 1/2" dia.)

- Réparation instantanée de mur
- Ancuns outils ou compétence exigée
- Temps sec nul
- Prêt à peindre

CONTIENT: 54 Texturisé MiniPatches  
(12 - 1 1/2" dia., 42 - 1/2" dia.)



ANALOGOPIEL® Sustentable  
A base de resinas naturales y agua  
sin formaldehído ni solventes  
ni aditivos químicos.

## Fast Cure Textured Wall Repair Patch

- Ready-to-paint
- Fast-drying
- No tools required
- Available in 12 sizes



**StepSaver**  
PRODUCTS

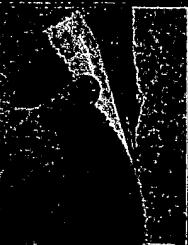
72" **INSTANT**  
Wall Repairs

# tex tape<sup>TM</sup>

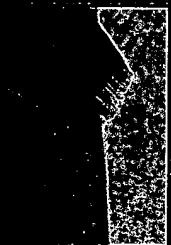
Repairs up to  
8" CRACKS  
& CORNERS



**PEEL**



**STICK**



**PAINT**

**TEXTURED**

*Stress Crack &  
Corner Repair*

• No Scratching  
• No Mixing  
• No Mixing  
CONTAINS: 9 100% Polyester Film Reinforced with  
Latex Adhesive

EXH C

PAGE 9 OF 10

# TexTape

## INSTANT Wall Repair READY TO PAINT

- Pre-textured patch
- Repairs cracks up to 1/2" long
- Two minute repair time
- No Tools or Skill needed
- Ready to paint immediately

- Instant wall repair
- No tools or skill required
- No dry time
- Ready to paint

CONTAINS: 9 Textured TexTape  
Strips (1½" x 8")

- La pared inmediata repair
- Ningunas herramientas ni la habilidad requirieron
- No seca tiempo
- Lo lista para pintar

CONTIENE: 9 Tiras de TexTape  
(1½" x 8")

- Réparation instantanée de mur
- Ancuns outils ou compétence exigée
- Temps sec nul
- Prêt à peindre

CONTIENT: 9 Bandes de TexTape  
(1½" x 8")



U.S. Patent Application Serial No. 10/618,166  
MJM Docket No. 2295-4

**EXHIBIT D**  
**to**  
**DECLARATION OF**  
**JERRY E. BROWER**

**Homax**

- Instant Drywall Hole Repair
- Pre-textured
- Self-adhesive, No Spackling Required

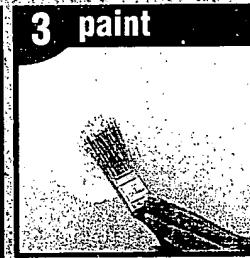
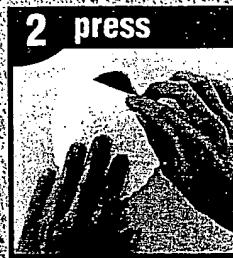
**3" HOLE REPAIR**  
*Up to 3"*

# Texture Patch

## DRYWALL HOLE REPAIR

**2 Repair  
Patches  
Easy to Use**

Light to heavy  
**ORANGE PEEL**  
texture patches  
included.



(2) - 3<sup>3</sup>/<sub>4</sub>" x 5<sup>1</sup>/<sub>4</sub>"  
for holes up to 3"

- ✓ Simply Press & Paint!
- ✓ No Spackling!
- ✓ No Tools!
- ✓ Matches Light to Heavy Drywall Texture!

#### Directions:

Make sure surface is thoroughly clean, dry, and dust free. Remove any loose or protruding drywall before applying Texture Patch.

1. Peel patch off paper backing.
2. Place patch over hole and press firmly around edges to force out any air and ensure adhesion. Do not press in middle of patch or directly on hole. For doorknob hole repair, use a doorstop or bumper for added protection.
3. Paint to blend with surrounding surface.

Item # 5582

pn 219-810  
0104

0 41072 05582 6



Homax Products, Inc.  
PO Box 5643  
Bellingham, WA 98227  
800-729-9029  
[www.homaxproducts.com](http://www.homaxproducts.com)

Homax® Texture Patches are also available for nail holes, screw anchor holes, and for corner and crack repair.

EXH

PAGE 2 OF 2

**DECLARATION OF GALE BRUNS**

1. I, Gale Bruns, do hereby declare that I am the owner of Kingsford True Value 555 South carpenter ave Kingsford, MI 49802. I have been involved with the home improvement and hardware business for several years. I have followed product developments and improvements in this industry very closely in order to offer our customers the best product available.
2. Though I own a hardware store I was unaware of a product that could repair some stress cracks that I had in my own house, I searched the Internet and came across a product manufactured by Wall Repair Systems Inc. (WRS). I ordered the product to try it for myself. After trying the product, I was so impressed that I contacted WRS directly and began stocking it in my store.
3. I have been involved with the hardware, and home repair industry for several years, and I have never seen an item quite like the WRS wall patches. The combination of elements that the product offers is quite unique to the wall repair industry. The product offers a permanent adhesive on one side, a paint ready or pre-textured paint ready surface on the other side, as well as uneven/irregular edges that help the product blend into the surrounding surface.

I declare under the penalty of perjury that the foregoing is true and correct.

Gale Bruns  
Kingsford True Value

Gale Bruns

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- BLACK BORDERS**
- IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- FADED TEXT OR DRAWING**
- BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- SKEWED/SLANTED IMAGES**
- COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- GRAY SCALE DOCUMENTS**
- LINES OR MARKS ON ORIGINAL DOCUMENT**
- REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**